

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, April 10, 2002
9:00 a.m.*

*Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California*

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 27, 2002, and should indicate the agenda item to which it is applicable.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff.

Written material submitted after 5:00 P.M. on Wednesday, April 3, 2002 will not be provided to the Regional Board members and will not be considered by the Regional Board.

PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, March 27, 2002.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meetings of February 13 and March 13, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 7 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Waste Discharge Requirements: Rancho Santa Fe Community Services District, Santa Fe Valley Water Reclamation Plant, San Diego County (tentative Order No. R9-2002-0013) (*Bryan Ott*)
6. Waste Discharge Requirements Update: City of San Clemente, Water Reclamation Plant, Orange County (tentative Order No. R9-2002-0063) (*Adam Laputz*)
7. Waiver of Waste Discharge Requirements: A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for the Discharge of Burn-Ash Wastes into Temporary Waste Piles During Cleanup and Abatement of Burn-Ash Wastes Located in Proximity to 38th and Quince Streets in the City of San Diego. (Tentative Resolution No. R9-2002-0069) (*Brian McDaniel*)

Remainder of the Agenda (Non-Consent Items):

8. NPDES Permit Renewal: City of San Diego, E.W. Blom Point Loma Wastewater Treatment Plant and Ocean Outfall. The Regional Board will consider adoption of Tentative Order No. R9-2002-0025, Draft NPDES Permit No. CA0107409 with errata. The oral and written public comment period was closed by the U.S. Environmental Protection Agency (USEPA) and Regional Board at the end of the March 13, 2002 hearing regarding this item. **ADDITIONAL COMMENTS WILL NOT BE ACCEPTED.** (Tentative Order No. R9-2002-0025, Draft NPDES Permit No. CA0107409) (*David Hanson*)
9. NPDES Permit, U.S. Navy Point Loma Complex: An NPDES permit regulating industrial stormwater and point sources discharges of wastes to San Diego Bay from various activities, including ship repair, pier and pier boom cleaning and aquatic animal training. (Tentative Order No. R9-2002-0002, NPDES Permit No. CA0109363) (*Paul Richter*)
10. **PUBLIC HEARING:** Complaint No. R9-2002-0053 for Administrative Assessment of Civil Liability against Mr. Ernest Moretti for Noncompliance with California Water Code Section

13267 (tentative Order No. R9-2002-0085) (*Barry Pulver*)

11. **PUBLIC HEARING:** Administrative Assessment for Civil Liability containing a Mandatory Penalty against Pomenade Inc. for Violation of Order No. 96-41, NPDES Permit No. CAG919002, Waste Discharge Requirements for a Permanent Dewatering System at Pacific Beach Promenade, 4150 Mission Blvd., San Diego CA. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2002-0052) (*Rebecca Stewart*)
12. TMDL Status Report: Tom Howard, Chief Deputy Director, State Water Resources Control Board will give a status report on the State Water Board's action plan for developing TMDLs (*Tom Howard*).
13. **Executive Session** - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
14. **Executive Session** - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. **Executive Session** - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.; San Diego County Superior Court; Case No. GIC 7890263.
16. **Executive Session** - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Arrangements for Next Meeting and Adjournment
Wednesday, May 8, 2002 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room

9174 Sky Park Court
San Diego, California

Notifications

- A. On April 25 and 26, 2002, three Board Members will be attending a Watershed Perspectives conference being organized by the American Public Works Association at the San Diego Marriott Hotel & Marina. No voting or other Regional Board business will be conducted at this event. You may contact Lori Costa at costl@rb9.swrcb.ca.gov or (858) 467-2357 if you have questions regarding their attendance at this event. Please contact Nina Duschl at (619) 291-0707 if you would like more information about the conference.
- B. 30-day Public Notice:
On May, 08, 2002, the California Regional Water Quality Control Board (Regional Board) is scheduled to consider adoption of tentative Order No. R9-2002-0072, an Order rescinding Waste Discharge Requirements (WDR) for dredging in America's Cup Harbor (WDR Orders No. 94-100 Mauricio & Sons, Inc.; Order No. 94-101, Bay City Marine, Inc., Order No. 94-102, Kettenburg Marine Corp., Order No. 99-06, Driscoll Custom Boats and Port of San Diego, San Diego County). Adoption of tentative Order No. 2002-72 would also rescind Order No. 97-063, Waste Discharge Requirements for the US Navy, Project P-338S, Pier 3 Dredging, San Diego County. The parties responsible for these dredge projects have notified the Regional Board that dredging has been completed and requested rescission of the waste discharge requirements.
- Accordingly, interested persons will be given 30 days from March 25, 2002, to comment on the tentative order. Written comments received after April 25, 2002 will not be considered by the Regional Board. The May 8, 2002 meeting will be held at the Regional Water Quality Control Board, 9174 Sky Park Court, San Diego, California. For a copy of the tentative Order or if you have additional questions regarding this matter, contact Dat Quach at the Regional Board by email Quacd@rb9.swrcb.ca.gov or call 858-467-2978.
- C. If you wish to receive our meeting agenda notices directly to your e-mail account, visit our website at www.swrcb.ca.gov/rwqcb9, choose "Electronic Mailing Lists" from the home page and follow the instructions to subscribe. Select "Board Meetings" from the drop down menu.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>